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MAR 07 2017

1 Megan Beaman (SBN 261539)
2 BEAMAN LAW
3 78060 Calle Estado
4 La Quinta, California 92253
5 T: (760) 698-9626
6 E: megan@beaman-law.com

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

MAR 06 2017

H.CARVER

5 Rahul Sethi (SBN 238405)
6 SETHI LAW FIRM
7 811 Wilshire Boulevard, Suite 1050
8 Los Angeles, California 90017
9 T: (213) 254-2454
E: rsethi@sethilawfirm.com

10 Attorneys for Plaintiff, HIBA LAI

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF RIVERSIDE - PALM SPRINGS COURTHOUSE

14 HIBA LAI,

15 Case No.: **PSC 1701196**

16 Plaintiff,

17 vs.

18 COACHELLA VALLEY UNIFIED SCHOOL
19 DISTRICT, and DOES 1 through 20, Inclusive;

20 Defendants.

COMPLAINT

1. Gender Discrimination in Violation of Gov't Code § 12940(a)
2. Retaliation in Violation of Gov't Code § 12945.2(l)
3. Hostile Work Environment in Violation of Gov. Code § 12940(j)
4. Failure to Provide Reasonable Accommodation in Violation of Gov't Code § 12940(m)

DEMAND FOR JURY TRIAL

23 Plaintiff Hiba Lai hereby alleges the following facts:

24 PRELIMINARY FACTS

25 1. Plaintiff Hiba Lai ("Lai" or "Plaintiff") is, and at all relevant times mentioned herein,
26 was an individual residing in Riverside County.

1 2. Defendant Coachella Valley Unified School District (“Defendant” and/or “District”)
2 is, and at all relevant times mentioned herein was, a public school district formed under the laws of
3 California, and operating in the Coachella Valley, Riverside County.

4 3. Plaintiff is ignorant of the true names and capacities of the Defendants sued as
5 DOES 1 through 20, inclusive, and therefore sue said defendants by those fictitious names.
6 Plaintiff will seek leave of court to amend this Complaint to allege their true names and capacities
7 when they have been ascertained. Plaintiff is informed and believes and thereon alleges that each of
8 these fictitiously named defendants is responsible in some manner for the unlawful actions, policies
9 and practices alleged in this Complaint.

10 4. Plaintiff is informed and believes and thereon alleges that, at all relevant times
11 mentioned herein, Defendants, and each of them, were the agents, servants, employees, partners,
12 joint-venturers, joint-employers or co-conspirators of each other defendant, and that each defendant
13 was acting within the course, scope and authority of such agency, employment, partnership, joint
14 venture or conspiracy, and that each defendant, directly or indirectly, authorized, ratified and
15 approved the acts of the remaining defendants, and each of them.

16 5. Jurisdiction is proper in the Riverside Superior Court because the acts and omissions
17 alleged herein occurred in Riverside County and the amount in controversy exceeds the
18 jurisdictional minimum.

GENERAL ALLEGATIONS

20 6. On or about May 28, 2015, the District interviewed Hiba Lai, a licensed clinical
21 social worker, for a clinical therapist position at the District.

22 7. On or about early June 2015, the District offered Lai the clinical therapist position,
23 with her work set to commence on August 3, 2015. District representatives told Lai that the one-
24 year term on the contract was a formality and that despite that term, her employment would
25 continue for years.
26

27 8. Lai accepted the District's offer and gave notice to her then-employer. Lai was
28 excited about the opportunity at the District. Lai wanted to continue working to financially support

1 her husband and her family.

2 9. On or about July 13, 2015, Lai learned for the first time that she was pregnant.

3 10. On her first day of work, the District became aware Lai was pregnant. First, Linda
4 Smith ("Smith") Lai's boss, told her "you're pregnant!" Lai confirmed she was pregnant and
5 informed Linda that Lai would need minor temporary accommodations.

6 11. On or about August 14, 2015 Lai presented to the District a doctor's note limiting
7 her to seven hours of work per day. Thereafter, Lai periodically presented the District with
8 appropriate medical certification for renewal of this accommodation as well as new accommodations
9 and/or leave ordered by her doctor.

10 12. Smith ultimately was upset of Lai's pregnancy. Over the next several months, Linda
11 indicated her displeasure with the pregnancy in her words and actions, including without limitation:
12 commenting on the amounts of food Lai was eating; telling Lai not to ask for accommodations;
13 telling Lai not to talk of her pregnancy; indicating that she hoped Lai would be a different person
14 after her pregnancy was over; telling Lai she was not counting on Lai to come back to work after her
15 pregnancy leave; and telling Lai not to complain about her pregnancy. Lai did continue to request
16 accommodations and Linda denied them, was rude to Lai and made negative facial expressions.
17

18 13. Smith further attempted to create a reason to terminate Lai by inquiring into
19 confidential and privileged information about Lai's patients in an effort to get Lai to improperly
20 disclose such information.

21 14. The District also gave Lai warnings for being occasionally 5 to 10 minutes late. The
22 District did not give the same such warnings to other clinicians who were not pregnant.
23

24 15. Lai complained about Linda's conduct to Jazmine in Human Resources. Jazmine
25 ignored Lai's complaints and, to Lai's knowledge, did nothing to address them.
26

27 16. Linda continued to harass Lai, screaming at her occasionally. Smith's conduct took
28 its toll, affecting Lai's pregnancy and health. As a result, and at her doctor's orders, Lai took early
medical leave away from work in prior to her due date to try to minimize the impact of the abuse on
her health and baby.

1 17. On or about February 21, 2016, Lai delivered her baby. Following delivery, her
2 doctor issued several orders to keep her off work due to her post-delivery condition, which she
3 delivered to the District as she received them. She remained off work following delivery and due to
4 pregnancy disability through the end of the 2015-2016 school year, which ended in approximately
5 June 2015.

6 18. Lai recuperated and was ready to return to work without restrictions for the 2016-
7 2017 school year, which began approximately August 2, 2016.

8 19. On August 2, 2016, Lai showed up to begin the new school year, without
9 restrictions. That day, the District told Lai she had been discharged.

10 20. Lai has exhausted her administrative remedies by timely filing a complaint of
11 discrimination with the Department of Fair Employment & Housing and obtaining a Right-to-Sue
12 letter.

FIRST CAUSE OF ACTION

Gender Discrimination in Violation of Gov't Code § 12940(a) (Against the District)

17 21. Plaintiff re-alleges and incorporates by reference each and every allegation of the
18 preceding paragraphs as though fully set forth herein.

19 22. Defendant was an employer and covered entity within the meaning of California's
20 Fair Employment & Housing Act. Defendant employed Plaintiff. Defendant terminated Plaintiff's
21 employment and/or failed to renew Plaintiff's contract substantially because of her gender and/or
22 pregnancy. Accordingly, Defendant violated public policy stated in California Fair Employment &
23 Housing Act.

24 23. As a direct and proximate result, Plaintiff was harmed; she has been humiliated, she
25 suffered emotional pain and distress, mental anguish, loss of enjoyment of life and she suffered
26 economic damages.

27 24. Plaintiff seeks compensatory damages in an amount to be proven at trial, but in an

amount no less than the jurisdictional minimum. Pursuant to Government Code § 12965(b), Plaintiff seeks and award of attorneys' fees and costs.

SECOND CAUSE OF ACTION

**Retaliation in Violation of Gov't Code § 12945.2(l)
(Against All Defendants)**

6 25. Plaintiff re-alleges and incorporates by reference each and every allegation of each
7 preceding paragraph as though fully set forth herein.

8 26. The California Family Rights Act, Government Code § 12945.2 applied to
9 Defendant. Pursuant to Government Code § 12945.2 *et seq.*, Plaintiff was eligible for medical leave.
10 Plaintiff took protected medical leave. Defendant terminated Plaintiff's employment and/or failed
11 to renew Plaintiff's contract substantially because of her gender and/or pregnancy. Accordingly,
12 Defendant violated public policy stated in California Fair Employment & Housing Act.

13 27. Plaintiff's taking protected medical leave was a substantial motivating reason for
14 Defendants' adverse employment actions against Plaintiff, including termination and/or failing to
15 renew her contract.

16 28. As a direct and proximate result, Plaintiff was harmed; she has been humiliated,
17 suffered emotional pain and distress, mental anguish, loss of enjoyment of life and she suffered
18 .
economic damages.

19 29. Plaintiff seeks compensatory damages in an amount to be proven at trial, but in an
20 amount no less than the jurisdictional minimum. Pursuant to Government Code § 12965(b),
21 Plaintiff seeks and award of attorneys fees and costs.

THIRD CAUSE OF ACTION

**Hostile Work Environment in Violation of Gov. Code § 12940(j)
(Against all Defendants)**

25 30. Plaintiff re-alleges and incorporates hereby by reference each and every preceding
26 paragraph as though fully set forth herein.

31. Plaintiff was subjected to unwanted harassing conduct by her superiors and co-

1 workers because she is a woman and/or was pregnant. The harassing conduct was severe or
2 pervasive. A reasonable woman in the same circumstances would have considered the work
3 environment to be hostile or abusive. Plaintiff considered the work environment to be hostile or
4 abusive.

5 32. Defendant was aware or should have been aware of the harassment. A supervisor
6 conducted much of the harassment.

7 33. As a direct and proximate result, Plaintiff was harmed; she has been humiliated,
8 suffered emotional pain and distress, mental anguish, loss of enjoyment of life and she suffered
9 economic damages.

10 34. Plaintiff seeks compensatory damages in an amount to be proven at trial, but in an
11 amount no less than the jurisdictional minimum. Pursuant to Government Code § 12965(b),
12 Plaintiff seeks and award of attorneys fees and costs.

FOURTH CAUSE OF ACTION

**Failure to Provide Reasonable Accommodation in Violation of Gov't Code § 12940(m)
(Against all Defendants)**

35. Plaintiff re-alleges and incorporates hereby by reference each and every preceding paragraph as though fully set forth herein.

36. Defendant failed to provide reasonable accommodation for Plaintiff's pregnancy related conditions that limited Plaintiff's major life activities, including, but not limited to, working.

37. As a direct and proximate result, Plaintiff was harmed; she has been humiliated,
suffered emotional pain and distress, mental anguish, loss of enjoyment of life and economic
damages.

38. Plaintiff seeks compensatory damages in an amount to be proven at trial, but in an
amount no less than the jurisdictional minimum. Pursuant to Government Code § 12965(b),
Plaintiff seeks and award of attorneys fees and costs.

PRAYER FOR RELIEF

2 | WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

3 1. For compensatory damages, including prejudgment interest, in an amount to be
4 proven at trial.

5 2. For statutory attorneys fees and costs pursuant to Government Code § 12965(b).

6 3. For declaratory relief that Defendant violated California's Fair Employment and
7 Housing Act.

8 4. For injunctive relief prohibiting Defendant from continuing to violate California's
9 Fair Employment and Housing Act.

10 5. Any other relief or damages allowed by law, or statutes not set out above and such
11 further relief as the Court deems just and proper at conclusion of trial.

13 | Dated: March 2, 2017

BEAMAN LAW
SETHI LAW FIRM

15
16 By Rahul Sethi
17 Megan Beaman
Attorneys for Plaintiff, HIBA LAI

DEMAND FOR JURY TRIAL

Plaintiff Hiba Lai hereby demands a trial by jury in this action.

Dated: March 2, 2017

BEAMAN LAW
SETHI LAW FIRM

24
25 By Rahul Sethi
26 Megan Beaman
Attorneys for Plaintiff, HIBA LAI

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Megan Beaman (SBN 261539)

BEAMAN LAW

78060 Calle Estado

La Quinta, CA 92253

TELEPHONE NO.: (760) 698-9626

FAX NO.:

ATTORNEY FOR (Name): Plaintiff, HIBA LAI

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

STREET ADDRESS: 3255 E. Tahquitz Canyon Way

MAILING ADDRESS: (same)

CITY AND ZIP CODE: Palm Springs, CA 92262

BRANCH NAME: Palm Springs Courthouse

CASE NAME: Hiba Lai v. Coachella Valley Unified School District

CIVIL CASE COVER SHEET	
<input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)

Complex Case Designation	
<input type="checkbox"/> Counter	<input type="checkbox"/> Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

PSC 1701196

JUDGE:

DEPT:

Items 1–6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort	Contract	Provisionally Complex Civil Litigation
<input type="checkbox"/> Auto (22)	<input type="checkbox"/> Breach of contract/warranty (06)	<input type="checkbox"/> (Cal. Rules of Court, rules 3.400–3.403)
<input type="checkbox"/> Uninsured motorist (46)	<input type="checkbox"/> Rule 3.740 collections (09)	<input type="checkbox"/> Antitrust/Trade regulation (03)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	<input type="checkbox"/> Other collections (09)	<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Asbestos (04)	<input type="checkbox"/> Insurance coverage (18)	<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Product liability (24)	<input type="checkbox"/> Other contract (37)	<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Medical malpractice (45)	<input type="checkbox"/> Eminent domain/Inverse condemnation (14)	<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Other PI/PD/WD (23)	<input type="checkbox"/> Wrongful eviction (33)	<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Non-PI/PD/WD (Other) Tort	<input type="checkbox"/> Other real property (26)	Enforcement of Judgment
<input type="checkbox"/> Business tort/unfair business practice (07)	<input type="checkbox"/> Unlawful Detainer	<input type="checkbox"/> Enforcement of judgment (20)
<input type="checkbox"/> Civil rights (08)	<input type="checkbox"/> Commercial (31)	Miscellaneous Civil Complaint
<input type="checkbox"/> Defamation (13)	<input type="checkbox"/> Residential (32)	<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Fraud (16)	<input type="checkbox"/> Drugs (38)	<input type="checkbox"/> Other complaint (not specified above) (42)
<input type="checkbox"/> Intellectual property (19)	<input type="checkbox"/> Judicial Review	Miscellaneous Civil Petition
<input type="checkbox"/> Professional negligence (25)	<input type="checkbox"/> Asset forfeiture (05)	<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)	<input type="checkbox"/> Petition re: arbitration award (11)	<input type="checkbox"/> Other petition (not specified above) (43)
Employment	<input type="checkbox"/> Writ of mandate (02)	
<input checked="" type="checkbox"/> Wrongful termination (36)	<input type="checkbox"/> Other judicial review (39)	
<input type="checkbox"/> Other employment (15)		

2. This case a is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): 4

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: March 2, 2017

Rahul Sethi

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

Auto Tort

- Auto (22)–Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
- Asbestos Property Damage
- Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
- Medical Malpractice—Physicians & Surgeons
- Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
- Premises Liability (e.g., slip and fall)
- Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
- Intentional Infliction of Emotional Distress
- Negligent Infliction of Emotional Distress
- Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
- Legal Malpractice
- Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

CASE TYPES AND EXAMPLES

Contract

- Breach of Contract/Warranty (06)
- Breach of Rental/Lease
- Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case–Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
- Auto Subrogation
- Other Coverage
- Other Contract (37)
- Contractual Fraud
- Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
- Writ of Possession of Real Property
- Mortgage Foreclosure
- Quiet Title
- Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
- Writ–Administrative Mandamus
- Writ–Mandamus on Limited Court Case Matter
- Writ–Other Limited Court Case Review
- Other Judicial Review (39)
- Review of Health Officer Order
- Notice of Appeal–Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
- Abstract of Judgment (Out of County)
- Confession of Judgment (*non-domestic relations*)
- Sister State Judgment
- Administrative Agency Award (*not unpaid taxes*)
- Petition/Certification of Entry of Judgment on Unpaid Taxes
- Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
- Declaratory Relief Only
- Injunctive Relief Only (*non-harassment*)
- Mechanics Lien
- Other Commercial Complaint Case (*non-tort/non-complex*)
- Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
- Civil Harassment
- Workplace Violence
- Elder/Dependent Adult Abuse
- Election Contest
- Petition for Name Change
- Petition for Relief From Late Claim
- Other Civil Petition